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07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 RONALD JOHNSON, ) CASE NO. C06-1776-MAT  
10 Plaintiff, )  
11 v. )  
12 MICHAEL J. ASTRUE, ) ORDER REQUESTING AMENDED  
Commissioner of Social Security, ) MOTION  
13 Defendant. )  
14 \_\_\_\_\_ )

15 Plaintiff filed a Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice  
16 Act. (Dkt. 24.) The Commissioner objects to the motion on two counts. (Dkt. 25.) First, the  
17 Commissioner notes the absence of a sworn statement from plaintiff attesting to the fact that his  
18 net worth was less than \$2,000,000.00 when this civil suit was commenced. *See* 28 U.S.C. §  
19 2412(d)(1)(B) and (d)(2)(B). Second, the Commissioner objects to the request that the fees be  
20 made payable directly to plaintiff's counsel, instead of plaintiff – the “prevailing party”, 28 U.S.C.  
21 § 2412(d)(1)(A), in this matter. *See, e.g., Venegas v. Mitchell*, 495 U.S. 82, 87-88 (1990) (stating  
22 that the prevailing party is the party, not the party's lawyer). Plaintiff did not submit a reply.

01 It would seem that the Commissioner's objections to plaintiff's motion could be rectified  
02 in an amended motion. As such, the Court directs plaintiff to file such a motion or otherwise  
03 dispute the Commissioner's contentions on or before **February 25, 2008**. The Commissioner  
04 should respond to plaintiff's submission on or before **February 29, 2008** and plaintiff's motion  
05 is hereby NOTED for consideration as of that same date.

06 DATED this 6th day of February, 2008.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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